



W.P.No.13705 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

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CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.13705 of 2020

R.Stalin

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Social Welfare Department,
Fort St.George, Chennai – 600 009.

2.The Director of Social Welfare Department,
2nd Floor, Panagal Maligai,
Saidapet,
Chennai – 600 015.

3.The District Collector,
Perambalur District,
Perambalur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for records relating to the proceedings No.Na.Ka.661/2018/Sa.Vu.Thi-1, dated 28.03.2019 passed by the third respondent and quash the same, and consequently direct the third respondent to grant appointment to the petitioner on compassionate ground either at social welfare department or any



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other suitable post in any other department based on the petitioner's qualification.

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For Petitioner : Mr.A.V.Raja

For Respondents : Mr.M.Rajendiran,
Additional Government Pleader

ORDER

The petitioner has filed this petition to call for the records relating to the proceedings No.Na.Ka.661/2018/Sa.Vu.Thi-1, dated 28.03.2019 passed by the third respondent and quash the same, and consequently direct the third respondent to grant appointment to the petitioner on compassionate ground either at social welfare department or any other suitable post in any other department based on the petitioner's qualification.

2. Learned counsel for the petitioner would submit that the petitioner's mother viz., Selvambal was appointed as Noon Meal Organizer on 01.02.1983 and died in harness on 24.01.2018, leaving the petitioner, his brother and sister as legal heirs. Since, the petitioner has completed his higher secondary, he made an application for appointment on the grounds of compassion before the respondents. He has also got consent from other two



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legal heirs for getting compassionate ground appointment. But, the third respondent rejected the petitioner's request vide Na.Ka.661/2018/Sa.Vu.Thi-1, dated 28.03.2019 on the ground that there is a female legal heir available to the deceased Selvambal, hence the petitioner cannot be considered, which was communicated by the Block Development officer on 11.05.2020 vide its communication No.Na.KA.No.A-4/229/2018. Challenging the order of the third respondent dated 28.03.2019, the petitioner has come forward with the present writ petition.

3. Learned Additional Government Pleader appearing for the respondents would submit that as per G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020, the upper age limit for compassionate ground appointment is 40 years, at the time of applying. Hence, he prayed this Court to dismiss the writ petition.

4. Heard the learned counsel on either side and perused the materials available on record.

5. At this juncture, it is pertinent to extract the relevant portion



specifying age limit in G.O.Ms.No.18, Labour and Employment (Q1)

Department dated 23.01.2020 and the same reads as follows:

**“AGE LIMIT FOR THOSE ELIGIBLE UNDER
COMPASSIONATE GROUND APPOINTMENT:**

(i) The minimum age is 18 years at the time of submitting application for compassionate ground appointment.

(ii) The maximum age limit for the spouse/father/mother is 50 years on the date of death of the Government servant.

(iii) The maximum age limit for the son or daughter of the deceased Government Servant and unmarried brother/unmarried sister of the unmarried deceased Government Servant is 40 years at the time of applying.”

5. On perusal of the aforesaid Government Order, it is clear and evident that the person who is applying for appointment under compassionate grounds cannot exceed the upper age limit of 40 years, however in the present case on hand, the age of the petitioner at the time of filing this writ petition is 43 years, which is evident from the affidavit filed in support of this petition. Hence, the petitioner is not eligible for any post under compassionate ground appointment and this writ petition is devoid of merits.



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6. In view of the above factual matrix of the case, the proceedings No.Na.Ka.661/2018/Sa.Vu.Thi-1, dated 28.03.2019 passed by the third respondent does not warrant any interference by this Court, which is liable to be confirmed. Accordingly, the same is hereby confirmed.

7. In the result, this writ petition stands dismissed. No costs.

27.01.2025

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Index : Yes/No

Speaking Order : Yes/No

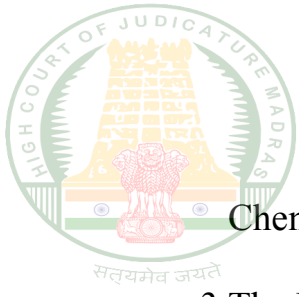
Neutral Citation : Yes/No

To:

1.The Principal Secretary to Government,
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2.The Director of Social Welfare Department,
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Saidapet,

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J.SATHYA NARAYANA PRASAD,J.

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